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November 30, 1999

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W., Room TW-A325  
Washington, DC 20554

**RE: CC Docket No. 98-170, Petition for Waiver of November 12, 1999 Truth-In-Billing Date**

Dear Ms. Salas:

Enclosed is the Petition of Central Montana Communications, Inc., and Triangle Telephone Cooperative Association, Inc., hereby requesting a temporary waiver until April 1, 2000 of the November 12, 1999 requirement to comply with the Truth-In-Billing rules.

An original and four copies are being filed. Please return the stamped copy in the SASE.

Sincerely,

Jeffry H. Smith  
Consulting Manager

Attachment

Cc:  
Lawrence Strickling, Chief  
Common Carrier Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 5-C450  
Washington, D.C. 20554

Lisa Zaina, Acting Deputy Bureau Chief  
Common Carrier Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 5-B303  
Washington, D.C. 20554

Glenn T. Reynolds, Chief  
Enforcement Division  
Common Carrier Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 5-A847  
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David Konuch, Attorney  
Common Carrier Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 5-C313  
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International Transcription Services  
1231 20<sup>th</sup> Street, NW  
Washington, D.C. 20554

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

In the Matter of	)	
the Petition of Central Montana	)	
Communications, Inc. and Triangle	)	
Telephone Cooperative Association, Inc.	)	
Request for Waiver of Truth-In-Billing	)	CC Docket No. 98-170
And Billing Format Implementation	)	
Deadline	)	

PETITION OF CENTRAL MONTANA COMMUNICATIONS, INC., AND TRIANGLE  
TELEPHONE COOPERATIVE ASSOCIATION, INC.  
FOR LIMITED WAIVER OF THE TRUTH-IN-BILLING  
IMPLEMENTATION DATE

Date Submitted: November 30, 1999

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

In the Matter of	)	
the Petition of Central Montana	)	
Communications, Inc. and Triangle	)	
Telephone Cooperative Association, Inc.	)	
Request for Waiver of Truth-In-Billing	)	CC Docket No. 98-170
And Billing Format Implementation	)	
Deadline	)	

PETITION OF CENTRAL MONTANA COMMUNICATIONS, INC., AND TRIANGLE  
TELEPHONE COOPERATIVE ASSOCIATION, INC.  
FOR LIMITED WAIVER OF THE TRUTH-IN-BILLING  
IMPLEMENTATION DATE

Central Montana Communications, Inc., and Triangle Telephone Cooperative Association, Inc., (hereinafter the Companies), by their consultant, hereby request a temporary waiver (until April 1, 2000) of certain portions of section 64.2401 of the Commission's "truth-in-billing" rules, which were scheduled to take effect on November 12, 1999.<sup>1</sup> A waiver is needed because: 1) the Companies indicate that the additional programming changes needed to comply fully with the rules may well jeopardize their year 2000 (Y2K) remediation efforts, and 2) the Commission has yet to decide on the status of several pending industry requests for modification.

**Background**

In April 1999, the Commission adopted particular truth-in-billing rules that require telecommunications carriers to provide certain basic information to consumers. The new rules

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<sup>1</sup> See In the Matter of Truth-In-Billing and Billing Format, CC Docket 98-170, First Report and Order and Further Notice of Proposed Rulemaking, FCC 99-72, rel. May 11, 1999, 64 Fed. Reg. 34488 (1999); Errata, CC Docket 98-170, DA 99-2092, (rel. Oct. 6, 1999), 64 Fed. Reg. 56177 (1999).

specify that bills must be clearly organized, including both the name of the service provider associated with each charge, and a description of billed charges. When charges for two or more service providers appear on a bill, the billing entity must separate the charges by service provider. In the event there is a change in a service provider, a clear and conspicuous notification of such change must appear on the bill. In cases when a bill includes charges for both basic local service and other charges, carriers must clearly indicate when non-payment of certain charges will result in disconnection of basic local service. Finally, telephone bills must clearly and conspicuously display any information a customer may need to contest charges, or inquire about a bill.<sup>2</sup>

After reviewing the new rules, the Federal Office of Management and Budget (OMB) expressed its concern that some of the requirements "could impair the efforts of some telecommunications carriers and providers, particularly small and medium-sized carriers, to ensure that their systems are Y2K compliant". Consequently, the Commission deferred the effective date for compliance with rule 64.2401(a)(1)'s requirement that carriers highlight new service providers, and rule 64.2401(c), which requires that carriers identify deniable and non-deniable charges, until April 1, 2000.<sup>3</sup>

### **Waiver Request**

The Companies respectfully request an additional waiver until April 1, 2000, of the requirement that carriers separate charges on bills by service provider as mandated by sections

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<sup>2</sup> 47 C.F.R. § 64.2401 (a) through (d).

<sup>3</sup> See Enforcement Division of the Common Carrier Bureau Announces Effective Date of Truth-In-Billing Requirements in CC Docket 98-170, *Public Notice*, DA 99-2030 (rel. Sept. 30, 1999) (Public Notice). These rules are also in part the subject of a Petition for Reconsideration filed recently by United States Telecom Association (USTA). See *In the Matter of Truth-In-Matter and Billing Format*, CC Docket 98-170, The United States Telephone Association's Petition for Reconsideration, filed July 26, 1999.

64.2401(a)(1) and (2), and section 64.2401(d). As of November 1, 1999, the Companies were notified, by their billing vendor, that the current release was compliant with the TIB rules to be effective November 12<sup>th</sup>. However, further investigation by the vendor indicated that the "Separation of Charges for Different Service Providers"<sup>4</sup> needed to be at the sub-CIC level. The software is currently able to separate at the CIC level only. In order to identify individual service providers and ensure that the appropriate toll free number is listed on the bill, the Companies will need to have their billing vendor reprogram their billing system to read "sub-CIC" information that identifies individual service providers.<sup>5</sup> The billing vendor is assessing the programming requirements and making a determination as to the impact, if any, to the Y2K compliance efforts. Absent a waiver the Companies' billing vendor will be reprogramming the same software. This would be an infeasible task for the billing vendor and would threaten Y2K preparedness. The Companies submit the public's interest is best served by not compromising Y2K efforts.

### **Conclusion**

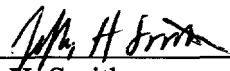
Accordingly, the Companies respectfully request the Commission to waive the separate service provider identification requirement, and disclosure of billing inquiry information requirements, of section 64.2401 of the Commission's rules until April 1, 2000. The requested waiver will allow limited additional time for the Companies' billing vendor to meet the requirements. Customers will not be harmed by grant of this waiver. The Companies will continue to provide the appropriate information necessary to address customers' billing inquiries and will work aggressively towards full implementation of section 64.2401 by April 1, 2000.

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<sup>4</sup> 47 C.F.R. § 64.2401(a)(2)

<sup>5</sup> Sub-CICs are secondary carriers sharing Carrier Identification Codes (CICs) with other carriers, and whose identities are passed from the clearinghouse to the billing carrier.

Grant of this waiver will allow the Companies' billing vendor to continue to devote the needed resources to Y2K efforts, thus eliminating the risk of non-Y2K programming changes for a reasonable period of time. The Companies' billing vendors will then be able to direct more fully their efforts to comply with the requirements of section 64.2401 of the Commission's rules. Accordingly, the Companies believe these circumstances fulfill the requirements of Section 1.3<sup>6</sup> of the Commission's rules for granting of waivers.

By   
Jeffrey H. Smith  
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<sup>6</sup> "The Commission may exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest." *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969). Waiver of a Commission rule is appropriate where: (1) the underlying purpose of the rule will not be served, or would be frustrated, by its application in a particular case, and grant of the waiver is otherwise in the public interest, or (2) unique facts or circumstances render application of the rule inequitable, unduly burdensome or otherwise contrary to the public interest, and there is no reasonable alternative. *Northeast Cellular Telephone Co., v. FCC*, 897 F. 2d 1164, 1166 (D.C. Cir. 1990).